

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UMB BANK, N.A., :
Plaintiff, :
v. : Case No. 1:21-cv-04897 (JMF)
BRISTOL-MYERS SQUIBB COMPANY, :
Defendant. :
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NOTICE OF CROSS-APPEAL

PLEASE TAKE NOTICE that pursuant to Rule 4(a)(3) of the Federal Rules of Appellate Procedure and 28 U.S.C. § 1291, defendant Bristol-Myers Squibb Company (“BMS”) appeals to the United States Court of Appeals for the Second Circuit from the judgment entered on September 30, 2024 [ECF No. 168], to the extent the Memorandum Opinion and Order entered on June 24, 2022 [ECF No. 33], denying BMS’s motion to dismiss for failure to state a claim, was merged into that judgment. If subject matter jurisdiction is found as the result of the appeal taken by plaintiff UMB Bank, N.A., then the complaint should have been dismissed with prejudice for failure to state a claim upon which relief could be granted.

Dated: New York, New York
November 6, 2024

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